

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIOGENS MENDEZ,

Index No.: 08CV01281  
Justice Chin

Plaintiff(s),

- against -

**ANSWER TO DEFENDANTS  
CROSS-CLAIM**

MOHAMED M. DIALLO, LEVEL TRANS CORP.,  
129 BROADWAY, INC., BILL WOLF PETROLEUM  
CORP., and HORIZON PLANNING SERVICES, LTD.,  
Defendant(s).

-----X  
The defendant, LEVEL TRANS CORP., by its attorney, **MARJORIE E. BORNES, ESQ.**,  
answering the cross-claim of Defendant 129 BROADWAY, INC., respectfully alleges upon  
information and belief, as follows:

1. Denies each and every allegation contained in paragraphs "74", "75", "76", "77",  
"78" and "79" of the Answer and Cross-Claim.

**WHEREFORE**, the answering defendant demand(s) judgment dismissing the  
cross-claim of the co-defendant herein.

Dated: New York, New York  
July 29, 2008

Yours, etc.,

\_\_\_\_\_  
MARJORIE E. BORNES (MB6505)  
Attorney for Defendant  
*Level Trans Corp.*  
330 West 34th Street, 7th Floor  
New York, New York 10001  
(212) 857-8252

**TO: BARON & PAGLIUGH, ESQS.**

Peter D. Baron (PDB 8519)  
Attorneys for Plaintiff  
85 Main Street – Suite A  
Cold Spring Harbor, NY 11724

**Law Office of John P. Humphreys**

Warren T. Harris (3323)  
Attorneys for Defendants  
*Bill Wolf Petroleum Corp.*  
485 Lexington Avenue, 7<sup>th</sup> Floor  
New York, New York 10017

**Milber Makris Plousadis & Seiden, LLP**

Lorin Ann Donnelly  
Attorney for Defendant(s)  
*Horizon Planning Services Ltd.*  
1000 Woodbury Road, Suite 402  
Woodbury, New York 11797

**Law Office of John P. Humphreys**

Warren T. Harris (3323)  
Attorneys for Defendants  
*Bill Wolf Petroleum Corp.*  
485 Lexington Avenue, 7<sup>th</sup> Floor  
New York, New York 10017

**Baker, McEvoy, Morrissey & Moskovitz, PC**

Attorney for Defendant(s)  
*Mohammed M. Diallo*  
330 West 34th Street - 7th Floor  
New York, New York 10001

**Alexander M. Amanatides, P.C.**

Attorney for Defendant(s)  
*129 Broadway, Inc.*  
400 Jericho Turnpike, Suite 318  
Jericho, New York 11753

STATE OF NEW YORK                     )  
  ) SS:  
COUNTY OF NEW YORK                )

MARJORIE E. BORNES, an attorney at law, hereby affirms pursuant to the C.P.L.R. and subscribing as true under the penalties of perjury, as follows:

That your Affirmant is the attorney of record for the defendant(s) in the above entitled action.

That the Affirmant has read the foregoing ANSWER TO CROSS-CLAIM and knows the contents thereof; that same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, she believes them to be true.

This Verification is made by Affirmant and not by the defendant(s) because said defendant(s) do/does not reside within the County in which Affirmant maintains her offices for the practice of law.

The grounds of Affirmant's belief as to all matters not stated upon his knowledge, are as follows:

BOOKS AND RECORDS MAINTAINED BY AFFIRMANT'S FIRM AND  
INFORMATION SUPPLIED BY THE AMERICAN TRANSIT INSURANCE COMPANY

DATED: July 29, 2008

\_\_\_\_\_  
MARJORIE E. BORNES

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

DIOGENS MENDEZ,

Plaintiff(s),

Justice (Chin, J)

08 CV 01281

- against -

MOHAMED M. DIALLO, LEVEL TRANS CORP.,  
129 BROADWAY, INC., BILL WOLF PETROLEUM  
CORP., and HORIZON PLANNING SERVICES,  
LTD.,

Defendant(s).

-----X

**CERTIFICATION OF SERVICE BY EFILING AND MAIL**

STATE OF NEW YORK        )  
                                      ) ss:  
COUNTY OF NEW YORK    )

I hereby certify that on July 29, 2008 the foregoing document **ANSWER TO CROSS-CLAIM** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service, upon:

**TO:   SEE RIDER**

\_\_\_\_\_  
MARJORIE E. BORNES

**RIDER**

**By Electronic Filing:**

**TO: BARON & PAGLIUGH, ESQS.**

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